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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,318	06/13/2005	Anna Ingrid Kristina Berggren	133087.10101(100940-1PUS)	4032
52286	7590	10/02/2008	EXAMINER	
Pepper Hamilton LLP			MORRIS, PATRICIA L	
400 Berwyn Park			ART UNIT	PAPER NUMBER
899 Cassatt Road			1625	
Berwyn, PA 19312-1183				
		MAIL DATE	DELIVERY MODE	
		10/02/2008	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/538,318	BERGGREN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Patricia L. Morris	1625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 02 July 2008.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-3 and 5 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) \_\_\_\_\_ is/are rejected.  
 7) Claim(s) 1-3 and 5 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

Claims 1-3 and 5 are under consideration in this application.

### ***Election/Restrictions***

The restriction requirement is deemed sound and proper and is hereby made FINAL.

Again, this application has been examined to the extent readable on the elected compounds wherein R<sup>1</sup>,R<sup>2</sup> represent (optionally substituted) phenyl, R<sup>3</sup> represents – XYNR<sup>4</sup>R<sup>5</sup>, R<sup>4</sup> and R<sup>5</sup> together with the nitrogen atom form a piperidine or one of R<sup>4</sup> or R<sup>5</sup> represents a piperidine or -(CH<sub>2</sub>)<sub>t</sub>piperidine and X,Y and t as set forth in claim 1, exclusively. All additional heterocycles, *i.e.*, morpholines, thiomorpholines, etc., pertain to nonelected subject matter.

### ***Claim Rejections - 35 USC § 112***

The rejections of the claims under 35 U.S.C 112 are hereby withdrawn in view of applicants' amendments to the claims.

### ***Allowable Subject Matter***

Claim 1 is objected to as containing non-elected subject matter. The objection may be overcome by limiting the claim to the subject matter indicated as being examinable, *supra*. A claim so limited would appear allowable.

Claims 2, 3 and 5 presented in independent form or made dependent on an allowable claim, would appear allowable, otherwise they are objected to as being dependent on a nonallowed claim.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Morris whose telephone number is (571) 272-0688. The examiner can normally be reached on Mondays through Fridays.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Patricia L. Morris/  
Primary Examiner, Art Unit 1625

plm  
September 29, 2008